

### **REMARKS**

This communication responds to the Office Action mailed on December 21, 2006. Claims 1, 11, 18, 19, 22, and 28 are amended, claims 4, 17, and 21 are canceled, and no claims are added. As a result, claims 1-3, 5-16, 18-20, and 22-32 are now pending in this Application.

#### **Allowable Subject Matter**

Claims 25-27 have been allowed. An objection was raised to claims 4 and 17 as being dependent upon a rejected base claim, but each was indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The Applicant has amended independent claim 1 to incorporate claim 4, and independent claim 11 to incorporate claim 17. Similarly, independent claims 19 and 28 have been amended to incorporate the limitations of claim 17. These amendments have been made to expedite allowance of the pending claims, and not for reasons related to patentability. Claims 18 and 22 have been amended so as to depend from non-canceled claims, and not for reasons related to patentability.

#### **§102 Rejection of the Claims**

Claims 1-3, 5, 6, 11-13, 18-23, 28 and 32 were rejected under 35 USC § 102(e) as being anticipated by Scifres et al. (U.S. 2003/0225905 A1; hereinafter “Scifres”). Since each of the independent claims has been amended to incorporate the limitations of objected claims 4 or 17, it is believed that this rejection is now moot. Reconsideration and allowance are respectfully requested.

#### **§103 Rejection of the Claims**

Claims 7-10, 14-16, 30 and 31 were rejected under 35 USC § 103(a) as being unpatentable over Scifres in view of Ruutu et al. (U.S. 2003/0123392 A1; hereinafter “Ruutu”). Claim 24 was also rejected under 35 USC § 103(a) as being unpatentable over Scifres in view of Liang (U.S. 5,933,427 A; hereinafter “Liang”). Claim 29 was also rejected under 35 USC § 103(a) as being unpatentable over Scifres in view of Roberts (U.S. 6,104,712 A; hereinafter

“Roberts”). Since each of the independent claims has been amended to incorporate the limitations of objected claims 4 or 17, it is believed that these rejections are now moot. Reconsideration and allowance are respectfully requested.

### **CONCLUSION**

The Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone the Applicant’s attorney at (210) 308-5677 to facilitate prosecution of this Application. If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

### **Reservation of Rights**

In the interest of clarity and brevity, Applicant may not have addressed every assertion made in the Office Action. Applicant’s silence regarding any such assertion does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner’s personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, the Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03.


The Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

Respectfully submitted,

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By their Representatives,

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